



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

NOV 2 2004

Thomas J. Josefiak, Esq.
P.O. Box 10648
Arlington, VA 22210

RE: MUR 5409
Bush-Cheney '04 and
David Herndon, as treasurer
Ken Mehlman

Dear Mr. Josefiak:

On October 19, 2004, the Federal Election Commission found reason to believe that Bush-Cheney '04 and David Herndon, as treasurer, violated 2 U.S.C. §§ 441b(a) and 434(b); reason to believe that Ken Mehlman violated 2 U.S.C. § 441b(a); and no reason to believe that Bush-Cheney '04 and David Herndon, as treasurer, violated 2 U.S.C. § 441a(f). However, after considering the circumstances of this matter, the Commission also determined on that date to take no further action and closed its file. A copy of the dispositive General Counsel's Report is enclosed for your information. In addition, one or more Commissioners may elect to issue a Statement of Reasons in this matter. Any Statement(s) of Reasons issued will be forwarded to you.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

If you have any questions, please contact Mark Allen, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Bradley A. Smith".

Bradley A. Smith
Chairman

Enclosure
General Counsel's Report